

# Senate Study Bill 3145 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

## A BILL FOR

1 An Act relating to the distribution and permissible  
2 expenditures of the emergency communications service  
3 surcharge and the name of the surcharge fund.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 34A.7A, subsection 2, Code 2016, is  
2 amended to read as follows:

3 2. Moneys collected pursuant to subsection 1 and section  
4 34A.7B, subsection 2, shall be deposited in a separate ~~E911~~  
5 ~~emergency communications~~ fund to be known as the Tom Hancock  
6 emergency communications service surcharge memorial fund within  
7 the state treasury under the control of the program manager.  
8 Section 8.33 shall not apply to moneys in the fund. Moneys  
9 earned as income, including as interest, from the fund shall  
10 remain in the fund until expended as provided in this section.  
11 Moneys in the fund shall be expended and distributed in the  
12 following priority order:

13 a. An amount as appropriated by the general assembly to the  
14 director shall be allocated to the director and program manager  
15 for implementation, support, and maintenance of the functions  
16 of the director and program manager and to employ the auditor  
17 of state to perform an annual audit of the ~~E911 emergency~~  
18 ~~communications~~ fund.

19 b. (1) The program manager shall allocate to each joint  
20 E911 service board and to the department of public safety a  
21 minimum of one thousand dollars per calendar quarter for each  
22 public safety answering point within the service area of the  
23 department of public safety or joint E911 service board that  
24 has submitted an annual written request to the program manager  
25 in a form approved by the program manager by May 15 of each  
26 year.

27 (2) The amount allocated under this paragraph "b" shall be  
28 sixty percent of the total amount of surcharge generated per  
29 calendar quarter allocated as follows:

30 (a) Sixty-five percent of the total dollars available for  
31 allocation shall be allocated in proportion to the square miles  
32 of the service area to the total square miles in this state.

33 (b) Thirty-five percent of the total dollars available for  
34 allocation shall be allocated in proportion to the wireless  
35 E911 calls taken at the public safety answering point in

1 the service area to the total number of wireless E911 calls  
2 originating in this state.

3 (c) Notwithstanding subparagraph divisions (a) and (b), the  
4 minimum amount allocated to each joint E911 service board and  
5 to the department of public safety shall be no less than one  
6 thousand dollars for each public safety answering point within  
7 the service area of the department of public safety or joint  
8 E911 service board.

9 (3) The funds allocated in this paragraph "b" shall be used  
10 for emergency communication equipment utilized by the public  
11 safety answering points for the implementation and maintenance  
12 of E911 services.

13 ~~b.~~ c. From July 1, 2013, until June 30, 2026, the program  
14 manager shall allocate ten percent of the total amount of  
15 surcharge generated to wireless carriers to recover their costs  
16 to deliver E911 phase 1 services. If the allocation in this  
17 paragraph is insufficient to reimburse all wireless carriers  
18 for such carrier's eligible expenses, the program manager  
19 shall allocate a prorated amount to each wireless carrier  
20 equal to the percentage of such carrier's eligible expenses as  
21 compared to the total of all eligible expenses for all wireless  
22 carriers for the calendar quarter during which such expenses  
23 were submitted. When prorated expenses are paid, the remaining  
24 unpaid expenses shall no longer be eligible for payment under  
25 this paragraph.

26 ~~e.~~ d. The program manager shall reimburse communications  
27 service providers on a calendar quarter basis for carriers'  
28 eligible expenses for transport costs between the selective  
29 router and the public safety answering points related to the  
30 delivery of wireless E911 phase 1 services.

31 ~~d.~~ e. The program manager shall reimburse wire-line  
32 carriers and third-party E911 automatic location information  
33 database providers on a calendar quarterly basis for the  
34 costs of maintaining and upgrading the E911 components and  
35 functionalities beyond the input to the E911 selective router,

1 including the E911 selective router and the automatic location  
2 information database.

3 ~~e. (1) The program manager shall allocate to each joint~~  
4 ~~E911 service board and to the department of public safety a~~  
5 ~~minimum of one thousand dollars per calendar quarter for each~~  
6 ~~public safety answering point within the service area of the~~  
7 ~~department of public safety or joint E911 service board that~~  
8 ~~has submitted an annual written request to the program manager~~  
9 ~~in a form approved by the program manager by May 15 of each~~  
10 ~~year.~~

11 ~~(2) The amount allocated under this paragraph "e" shall be~~  
12 ~~forty-six percent of the total amount of surcharge generated~~  
13 ~~per calendar quarter allocated as follows:~~

14 ~~(a) Sixty-five percent of the total dollars available for~~  
15 ~~allocation shall be allocated in proportion to the square miles~~  
16 ~~of the service area to the total square miles in this state.~~

17 ~~(b) Thirty-five percent of the total dollars available for~~  
18 ~~allocation shall be allocated in proportion to the wireless~~  
19 ~~E911 calls taken at the public safety answering point in~~  
20 ~~the service area to the total number of wireless E911 calls~~  
21 ~~originating in this state.~~

22 ~~(c) Notwithstanding subparagraph divisions (a) and (b), the~~  
23 ~~minimum amount allocated to each joint E911 service board and~~  
24 ~~to the department of public safety shall be no less than one~~  
25 ~~thousand dollars for each public safety answering point within~~  
26 ~~the service area of the department of public safety or joint~~  
27 ~~E911 service board.~~

28 ~~(3) The funds allocated in this paragraph "e" shall be~~  
29 ~~used for communication equipment utilized by the public safety~~  
30 ~~answering points for the implementation and maintenance of E911~~  
31 ~~services.~~

32 ~~f. (1) If moneys remain in the fund after fully paying~~  
33 ~~all obligations under paragraphs "a", "b", "c", "d", and "e",~~  
34 ~~the remainder may be accumulated in the fund as a carryover~~  
35 ~~operating surplus. shall be expended and distributed in the~~

1 following priority order:

2     (a) The program manager, in consultation with the E911  
3 communications council, shall allocate an amount, not to exceed  
4 one hundred thousand dollars per fiscal year, for development  
5 of public awareness and educational programs related to the  
6 use of 911 by the public, educational programs for personnel  
7 responsible for the maintenance, operation, and upgrading of  
8 local E911 systems, and the expenses of members of the E911  
9 communications council for travel, monthly meetings, and  
10 training.

11     (b) The program manager shall allocate remaining surplus  
12 shall be used moneys equally as follows:

13     (i) To public safety answering points to fund future network  
14 and public safety answering point improvements and for the  
15 receipt and disposition of 911 calls, including hardware and  
16 software for an internet protocol-enabled next generation  
17 network, and wireless.

18     (ii) Costs related to access the state's interoperable  
19 communications system.

20     (iii) Costs related to the receipt and disposition of 911  
21 calls.

22     (iv) Wireless carriers' transport costs related to wireless  
23 E911 services, if those costs are not otherwise recovered by  
24 wireless carriers through customer billing or other sources and  
25 approved by the program manager in consultation with the E911  
26 communications council.

27     (2) Notwithstanding [section 8.33](#), any moneys remaining in  
28 the fund at the end of each fiscal year shall not revert to the  
29 general fund of the state but shall remain available for the  
30 purposes of the fund.

31     g. The director, in consultation with the program manager  
32 and the E911 communications council, shall adopt rules pursuant  
33 to [chapter 17A](#) governing the distribution of the surcharge  
34 collected and distributed pursuant to [this subsection](#). The  
35 rules shall include provisions that all joint E911 service

1 boards and the department of public safety which answer  
2 or service wireless E911 calls are eligible to receive an  
3 equitable portion of the receipts.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 This bill relates to the distribution and permissible  
8 expenditures of the E911 emergency communications service  
9 surcharge.

10 Under current Code section 34A.7A, a monthly surcharge  
11 is imposed on all communications service providers in Iowa.  
12 Moneys collected pursuant to the surcharge are deposited in  
13 a fund and are distributed by the E911 program manager in a  
14 priority order as listed in Code section 34A.7A(2), paragraphs  
15 "a" through "f".

16 The bill establishes a higher priority of funding for  
17 the contents of Code section 34A.7A(2), paragraph "e", which  
18 relates to funding to be provided to joint E911 service boards  
19 and to the department of public safety (DPS), and increases the  
20 amount of moneys allocated for funding under this paragraph  
21 from 46 percent to 60 percent of the total amount of surcharge  
22 generated. The bill also specifies that the funds allocated to  
23 such joint E911 boards and to DPS shall be used for "emergency"  
24 communication equipment to receive and dispose of 911 calls.

25 The bill amends Code section 34A.7A(2), paragraph "f", which  
26 relates to the distribution of any moneys remaining after  
27 fully paying all prioritized obligations under the previous  
28 paragraphs, by establishing a new priority order for the  
29 expenditure and distribution of such remaining moneys. First  
30 in this priority order is an amount, not to exceed \$100,000 per  
31 year, to be allocated for the development of public awareness  
32 and educational programs relating to the use and maintenance  
33 of E911 systems and for the expenses of members of the E911  
34 communications travel for meetings and training. Second in  
35 this priority order is for any remaining moneys to be allocated

S.F. \_\_\_\_\_

1 equally to the following: public safety answering points to  
2 fund future network improvements; costs related to access the  
3 Iowa interoperable communications system; costs related to the  
4 receipt and disposition of 911 calls; and wireless carriers'  
5 transport costs for wireless E911 services, if applicable.

6     The bill changes the name of the E911 emergency  
7 communications fund established in Code section 34A.7A(2) to  
8 the "Tom Hancock emergency communications service surcharge  
9 memorial fund".